

Koch, Kristine

From: Cora, Lori
Sent: Wednesday, July 01, 2015 4:25 PM
To: Koch, Kristine; Sheldrake, Sean; Grant.Cohen@lw.com; Zhen, Davis
Subject: FW: DSL easement/fees for use of state aquatic lands

FYI. Here is an email I just sent Gary asking for a written explanation of what the State's issue is on authorization fees.

Lori Houck Cora | Assistant Regional Counsel
U.S. Environmental Protection Agency | Region 10
P: (206) 553.1115 | F: (206) 553.1762 | cora.lori@epa.gov

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From: Cora, Lori
Sent: Wednesday, July 01, 2015 4:23 PM
To: gary.l.vrooman@doj.state.or.us
Subject: DSL easement/fees for use of state aquatic lands

Hi, Gary. I've gotten tid bits of some questions arising around some DSL administrative process to authorize use of state lands and fees associated with such authorization. I need to understand better what exactly DSL's position is and how they view such authorization process going once EPA has made a remedy decision. As you may expect, it is our view that the contamination is there already, thus the use is occurring already, our cleanup is not placing contamination where it doesn't exist currently. The remedy may restrict some uses of state lands, but the remedy itself is not a new use. Also, EPA does not typically include costs that a landowner may require to provide access in our alternatives cost estimates because access is typically very party and property specific negotiations. Before discussing this topic, can you or a DSL lawyer send me a description of the issue as they see it and what the statutory and regulatory basis for it is? I would also like to know the State's view how any required use fees will be factored into the allocated costs for PRPs, including the State of Oregon, to share. Thanks.

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